

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANGELA UNDERWOOD,

Plaintiff(s),

v.

O'REILLY AUTO ENTERPRISES, LLC, et
al.,

Defendant(s).

Case No. 2:21-cv-01766-GMN-NJK

Order

Pending before the Court is an order for Attorney Kurt Bonds to show cause relating to lack of candor and raising frivolous arguments. Docket No. 181. Attorney Bonds has filed a response. Docket No. 194. Attorney Bonds' response to the order to show cause relies on a highly technical contention that was not previously articulated to the Court and which Attorney Bonds now acknowledges is "not strongly supported by procedural or case law." *See* Docket No. 194 at 4.¹ Such excuses are not compelling. The time for articulating that argument was in opposing the motions to compel, not in a subsequent response to an order to show cause. Moreover, the time for conducting research on that position was before opposing the motions to compel, not in preparing a response to an order to show cause. The Court expects better from Attorney Bonds moving forward.

¹ Attorney Bonds suggests that it is an "extreme" measure for federal judges to refer attorneys to the state bar for potential disciplinary action. *See* Docket No. 194 at 5. Federal judges no doubt prefer to expend their time and resources on other matters. *See Dela Rosa v. Scottsdale Mem. Health Sys., Inc.*, 136 F.3d 1241, 1244 (9th Cir. 1998). Nonetheless, federal judges have a specific duty to address potential attorney misconduct: "A judge should take appropriate action upon receipt of reliable information indicating the likelihood . . . that a lawyer violated applicable rules of professional conduct." Code of Conduct for United States Judges, Canon 3(B)(6); *see also United States v. Mendoza*, 468 F.3d 1256, 1262 (10th Cir. 2006) (endorsing the district court's "well put" assertion that "[j]udges are obligated to alert disciplinary authorities to possible unethical conduct by attorneys").

1 In all other respects, the order to show cause is **DISCHARGED**.

2 IT IS SO ORDERED.

3 Dated: October 5, 2022

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6 Nancy J. Koppe
7 United States Magistrate Judge
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